
IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

OSWALDO ENRIQUE PEDRO
BERNARDO ALBRONoz VERANO,

Defendant.

MEMORANDUM DECISION
AND ORDER

Case No. 2:18-cr-00349-RJS-PMW

Chief District Judge Robert J. Shelby
Chief Magistrate Judge Paul M. Warner

Chief District Judge Robert Shelby referred this case to Chief Magistrate Judge Paul M. Warner pursuant to 28 U.S.C. § 636(b)(1)(A).¹ Before the court is defendant Oswaldo Enrique Pedro Bernardo Alboronoz Verano's ("Defendant") Motion to Disclose Expert Reports and Motion for Daubert Hearing (the "Motion").² The Motion was referred to Judge Warner by Judge Shelby on April 23, 2019.³ The court has carefully reviewed the written memoranda submitted by the parties.

The Motion seeks a hearing to determine the admissibility of the United States of America's ("United States") expert testimony (the "Daubert Hearing"), and an order requiring the United States to disclose its expert reports in advance of the Daubert Hearing.

¹ See docket no. 30.

² See docket no. 59.

³ See docket no. 81.

Rule 16 of the Federal Rules of Criminal Procedure (“Rule 16”) imposes certain discovery obligations regarding experts. “At the defendant’s request, the government must give to the defendant a written summary of any testimony that the government intends to use under Rules 702, 703, or 705 of the Federal Rules of Evidence during its case-in-chief at trial.” Fed. R. Crim. P. 16(a)(1)(G). Defendant has made no argument that he seeks expert discovery beyond what Rule 16 requires, or cited any authority suggesting that he is entitled to such discovery. Nor has Defendant alleged that the United States has not complied with its discovery obligations set forth in Rule 16.

As for the Daubert Hearing, Defendant has provided no authority to support the request, or justification for setting such a hearing at this time. Accordingly, the court concludes that this request is premature.

For the foregoing reasons, the Motion is hereby DENIED WITHOUT PREJUDICE.

IT IS SO ORDERED.

DATED this 9th day of March, 2019.

BY THE COURT:

A handwritten signature in cursive script, reading "Paul M. Warner", is written over a horizontal line.

PAUL M. WARNER
Chief United States Magistrate Judge